

# I. Meeting Packet



**State of Florida**  
**Public Service Commission**  
**INTERNAL AFFAIRS AGENDA**  
Monday, June 5, 2017  
Following Commission Agenda  
Room 105 - Gerald L. Gunter Building

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1. Legislative Update (Attachment 1)
2. General Counsel's Report
3. Executive Director's Report
4. Other Matters

BB/ks

OUTSIDE PERSONS WISHING TO ADDRESS THE COMMISSION ON  
ANY OF THE AGENDAED ITEMS SHOULD CONTACT THE  
OFFICE OF THE EXECUTIVE DIRECTOR AT (850) 413-6463.





# Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

## -M-E-M-O-R-A-N-D-U-M-

**DATE:** May 25, 2017

**TO:** Braulio L. Baez, Executive Director

**FROM:** Katherine Pennington ~~Legislative Director~~  
Adam Potts, Government Liaison *ANP*

**RE:** DRAFT 2017 Legislative Wrap-Up – Summary of Bills

**Critical Information:** Please place on June 5, 2017 Internal Affairs agenda.  
**BRIEFING ONLY – FOR INFORMATIONAL PURPOSES ONLY**

This document provides a final summary of bills tracked during the 2017 legislative session. This includes bills of interest that passed, involving interagency work groups, solar, wastewater, and administrative procedures. The summary also notes bills of interest that did not pass. This document is for informational purposes only and no action by the Commission is required. Staff will follow-up with the Commission at a subsequent Internal Affairs to address implementation of certain bills that may require the Commission to take action. At this time however, only CS/HB 181 appears to impose any requirement on Commission staff.

### KEY BILLS THAT PASSED

#### Interagency

**CS/HB 181 by Representative Jacobs (SB 464 by Senator Clemens Laid on Table) – Natural Hazards**

This bill creates an interagency workgroup to address the impacts of natural hazards in this state. The term “natural hazards” includes, but is not limited to, extreme heat, drought, wildfires, sea-level changes, high tides, storm surge, saltwater intrusion, storm water runoff, flash floods, inland flooding, and coastal flooding.

The workgroup is comprised of a liaison from each agency within the executive branch, each water management district, and the Florida Public Service Commission (FPSC). The director of the Division of Emergency Management, or his or her designee, will serve as the coordinator of the workgroup.

The workgroup must share information on the current and potential impacts of natural hazards throughout the state and collaborate on statewide initiatives to address the impacts of natural hazards. The Division of Emergency Management is responsible for preparing an annual

progress report on behalf of the workgroup on the implementation of the state's enhanced hazard mitigation plan as it relates to natural hazards. The annual report is due to the Governor, President of the Senate, and Speaker of the House of Representatives on January 1, 2019, and each year thereafter. Each workgroup liaison is responsible for posting the annual report to their respective agency's website.

The bill appropriates \$84,738 in recurring funds and \$4,046 in nonrecurring funds from the Grants and Donations Trust Fund to the Division of Emergency Management and authorizes one full-time equivalent position to implement the requirements in the bill.

Status: Presented to Governor on May 18, 2017; has until June 2, 2017 to act. If approved, the bill takes effect July 1, 2017.

### **Solar**

<b>CS/SB 90 by Senator Brandes (CS/CS/CS/HB 1351 by Representative Rodrigues Laid on Table) – Renewable Energy Source Devices</b>
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This bill implements the recently approved constitutional amendment relating to renewable energy tax exemptions. The bill limits the exemption from real property taxes for nonresidential real property to 80 percent of the just value of the property attributable to a renewable energy source device. It applies the real property tax exemption prospectively only.

The bill also exempts 80 percent of the assessed value of a renewable energy source device from tangible personal property tax for all applicants, residential and nonresidential. The exemption is prospective only, with two exceptions:

- A device installed to supply a municipal electric utility located entirely within a consolidated government; or
- A device installed after August 30, 2016, on municipal land as part of a project incorporating other renewable energy source devices under common ownership on municipal land for the sole purpose of supplying a municipal electric utility with at least 2 megawatts and no more than 5 megawatts of alternating current power when the renewable energy source devices in the project are used together.

The bill creates an exception from both tax exemptions for a device installed as part of a project planned for a location in a fiscally constrained county for which an application for a comprehensive plan amendment or planned unit development zoning has been filed with the county on or before December 31, 2017.

Notwithstanding these provisions, 80 percent of the assessed value of a renewable energy source device which is affixed to property owned or leased by the U.S. Department of Defense for the military is exempt from ad valorem taxation and the tangible personal property tax.

The above provisions expire on December 31, 2037.

The bill also creates distributed energy generation system sales provisions for systems that are leased or sold pursuant to a retail installment contract, including the following:

- A seller who installs a distributed energy generation system must comply with applicable safety standards established by the Department of Business and Professional Regulation pursuant to chapter 489 and part IV of chapter 553, Florida Statutes
- Each agreement governing the sale or lease of a distributed energy system must include specified disclosures.
- The above provisions do not apply to:
  - A person or company that markets, sells, or enters into an agreement for the sale or financing of a distributed energy generation system as part of a transaction involving the sale or transfer of the real property on which the system is or will be affixed.
  - A transaction involving the sale or transfer of the real property on which a distributed energy generation system is located.
  - A third party, including a local government, that enters into an agreement for the financing of a distributed energy generation system.
  - The sale or lease of a distributed energy generation system that will be installed on nonresidential real property.
  - The sale of a distributed energy generation system pursuant to an agreement that requires full payment of the system from the buyer to the seller no later than the date the system is installed by the seller or is delivered from the seller to the buyer or a third party for installation.
  - A person, other than the seller or lessor, who installs a distributed energy generation system on residential property.

Status: The bill has not been sent to the Governor. If approved, the bill takes effect July 1, 2017.

**Agency**

**CS/CS/SB 80 by Senator Steube (CS/HB 163 by Representative Burgess Laid on Table) –  
Public Records**

This bill amends section 119.12, Florida Statutes regarding the award of attorney fees and costs to a plaintiff who sues an agency to enforce a public records request if the court determines that the agency unlawfully refused access to a public record. If a potential plaintiff believes an agency is unresponsive to a request, the bill requires a plaintiff to file a notice of intent to sue at least five business days before filing the lawsuit in order to avoid unnecessary litigation. The plaintiff is not required to provide written notice if the agency does not post the records custodian's contact information in the agency's primary administrative building and on the agency's website. These revisions could help agencies avoid potential litigation.

The bill also requires that the court must determine if a plaintiff requested records or otherwise participated in an enforcement action for an improper purpose. An improper purpose is one in which a person requests records primarily to cause a violation of the public records law or for a frivolous purpose. If the court finds that a plaintiff requested records for an improper purpose, the court will require the plaintiff to pay the agency's attorney fees and costs.

The bill clarifies that it does not create a private right of action, and a court may only require an agency to pay attorney fees and costs directly related to the public records enforcement action.

Provisions in the bill apply only to public records requests made on or after the effective date of the act.

Status: The bill was approved by the Governor on May 23, 2017. Chapter 2017-021, Laws of Florida. This bill took effect upon becoming law.

**Agency**

**SB 7022 by Governmental Oversight and Accountability – Public Employees**

This bill is a comprehensive benefits package for state employees. It includes pay raises, modifications to the Florida Retirement System (FRS), and changes to the State Group Insurance Program.

Effective October 1, 2017, the bill provides most state employees with a \$1,400 increase if their current salary is below \$40,000 a year, or \$1,000 if their salary is above \$40,000 a year.

The bill makes several changes to the FRS. The bill permits renewed membership in the investment plan or one of the optional annuity retirement plans for certain former participants of those plans. The bill closes the Senior Management Service Optional Annuity Program to new hires. The bill changes the default from the pension plan to the investment plan for non-Special Risk members of the FRS initially enrolled after January 1, 2018. The bill also extends the initial election period from 6 to 9 months after being hired.

Beginning in plan year 2020, the bill provides employees in the State Group Insurance Program with a choice of health insurance coverage levels of at least a certain actuarial value: Platinum – 90 percent, Gold – 80 percent, Silver – 70 percent, and Bronze – 60 percent. If the state's contribution is more than the premium cost of the health plan selected by the employee, the employee may allocate unused state health insurance contributions to other benefits or as salary.

The bill requires competitive procurement of an independent benefits consultant to assist in developing a plan for implementation of the new benefit levels. The implementation plan is due by January 1, 2019, to the Governor, Speaker and President, and must include recommended contribution policies and employee education strategies regarding the coverage levels and other benefit alternatives.

By October 1, 2017, the bill requires calculation of alternative premium rates that reflect the differences in costs to the program for each of the health maintenance organizations and the preferred provider organization plan options for the 2018 plan year.

Beginning with plan year 2018, the bill authorizes the offering of new types of health care products and services, including an online cost comparison for health care services and providers and inclusive services for surgery and other medical procedures. Enrollees may access these services and share in any savings to the state.

For plan year 2019, the bill requires the Department of Management Services to determine and recommend premiums for enrollees that reflect the differences in costs to the Program for each of the health maintenance organizations and the preferred provider organization plan options.

The bill provides that the premium rate for the employers used in this report will be the premiums established in the general appropriations act for fiscal year 2018-2019. If approved by the Governor, these provisions take effect July 1, 2017, except as otherwise provided in the bill.

Status: The bill has not been sent to the Governor. If approved, the bill takes effect July 1, 2017.

### **ADDITIONAL BILLS OF INTEREST THAT PASSED**

#### **HB 379 by Representative Leek (CS/SB 446 by Senator Passidomo Laid on Table) – Underground Facilities**

This bill amends chapter 556, Florida Statutes and is named the “Underground Facility Damage Prevention and Safety Act”. Specifically, the bill:

- Requires an excavator who causes contact with or damage to any pipe or other underground facility to immediately report the contact or damage by calling 911 if any natural gas or other hazardous substance or hazardous material regulated by the Pipeline and Hazardous Materials Safety Administration (PHMSA) of the U.S. Department of Transportation (USDOT) has escaped;
- Requires a member operator to file a report with the Sunshine State One-Call of Florida (SSOCF) system of all events it has received notice of through the system which have resulted in damages to its underground facilities. The report must be submitted at least on an annual basis or more frequently at the option and sole discretion of the member operator and must include, if known, the cause, nature, and location of the damage;
- Provides that, if a citation is issued by a state law enforcement officer, 80 percent of the civil penalty collected by the clerk of the court for the citation will be distributed to the governmental entity whose employee issued it; and
- Requires the SSOCF board of directors to submit an annual progress report to the Legislature and the Governor on the participation by municipalities and counties in the one-call notification system, to include a summary of the damage reporting data received by the system for the preceding year and any analysis of the data by the board.

Status: The bill has not been sent to the Governor. If approved, the bill takes effect July 1, 2017.

#### **CS/HB 759 by Representative Clemons – City of Gainesville, Alachua County**

This bill, subject to local voter approval, sets forth changes to the city charter of Gainesville to establish an independent Gainesville Regional Utilities (GRU) and establish a governing board and governance structure for the GRU Authority. The bill establishes the Authority free from the direction and control of the city commission and city charter officers, for the purpose of governing the utilities operated by GRU.



The bill takes effect only upon its approval by a majority vote of the qualified electors of the City voting in a referendum to be held in November 2018, in conjunction with the general election, except that sections 4 and 5 take effect upon becoming law.

Status: The bill was sent to the Governor on May 22, 2017. The Governor has until June 6, 2017, to act on the bill. If approved, the bill takes effect July 1, 2017.

**CS/CS/HB 687 by Representative La Rosa (CS/CS/SB 596 by Senator Hutson Laid on Table) – Utilities**

This bill creates the Advanced Wireless Infrastructure Deployment Act (Act), which provides for the collocation of “small wireless facilities” on an authority utility pole. An authority is a county or municipality having jurisdiction and control of the rights-of-way of any public road. A utility pole is not a utility pole in the sense of a municipal electric utility pole, but rather is a pole or similar structure that is used to provide lighting, traffic control, signage, or a similar function. The term includes the vertical support structure for traffic lights, but does not include any horizontal structures upon which traffic control devices are attached. It does not include any pole or similar structure 15 feet in height or less.

An authority may not prohibit, regulate, or charge for the collocation of small wireless facilities in the public rights-of-way, except as specified in the law. The bill caps the rate for collocation on an authority utility pole at \$150 annually.

An authority may adopt by ordinance reasonable and nondiscriminatory provisions for registration, permitting, insurance coverage, indemnification, performance bonds, security funds, force majeure, abandonment, authority liability, or authority warranties. The collocation process begins with a wireless service provider filing an application for a permit with an authority. An authority must issue permits subject to certain restrictions or requirements:

An applicant may request a waiver of these design standards upon a showing that the design standards are not reasonably compatible for the particular location of a small wireless facility or that the design standards impose an excessive expense, and the waiver must be granted or denied within 45 days after the date of the waiver request. If an authority denies an application, the authority must specify in writing the basis for denial, including the specific code provisions on which the denial was based, and the applicant has 30 days after notice of the denial to cure the identified deficiencies and resubmit the application. The authority must approve or deny the revised application within 30 days after receipt or the application will be deemed approved.

The Act does not authorize a person to collocate small wireless facilities, to attach micro wireless facilities, or to put up a wireless support structure in the right-of-way located within a retirement community, a municipality located on a coastal barrier island, or a homeowners’ association, with criteria specified for each type of location.

Status: The bill has not been sent to the Governor. If approved, the bill takes effect July 1, 2017.

**CS/HB 1027 by Representative Yarborough (CS/CS/SB 832 by Senator Young Laid on Table) – Unmanned Devices**

***Personal Delivery Devices***

This bill establishes a regulatory framework for personal delivery devices (PDDs), creates definitions and approved operating parameters in chapter 316, Florida Statutes, the Florida Uniform Traffic Control Law. The bill authorizes PDD operation in the absence of a local prohibition and authorizes local governmental entities to regulate operation of PDDs within county or municipal jurisdictions under certain conditions. The bill also amends sections 324.021(1) and 324.022(2)(a), Florida Statutes, to provide that PDDs are not motor vehicles for purposes of the Motor Vehicle Financial Responsibility Law.

***Drones***

The bill also creates section 330.41, Florida Statutes, also called the “Unmanned Aircraft Systems Act.” It preempts local governments from regulating the operation of unmanned aircraft systems, but does allow them to enact or enforce local ordinances relating to illegal acts arising from the use of unmanned aircraft systems if the ordinances are not specifically related to the use of a drone for the commission of the illegal acts.

The bill protects critical infrastructure facilities (including utility infrastructure), as defined in the bill, by prohibiting any person from knowingly or willfully:

- Operating a drone over a critical infrastructure facility, unless the drone is in transit for commercial purposes and is in compliance with Federal Aviation Administration regulations;
- Allowing a drone to make contact with a critical infrastructure facility, including any person or object on the premises of or within the facility; or
- Allowing a drone to come within a distance of a critical infrastructure facility that is close enough to interfere with the operations of or cause a disturbance to the facility.

The bill creates exemptions to these prohibitions, including for persons acting under the direction of a government or drones operating in transit for commercial purposes. A first violation of a prohibition is a second degree misdemeanor and a second or subsequent violation is a first degree misdemeanor.

The bill also amends section 934.50, Florida Statutes, to authorize the use of a drone by a communications service provider or a contractor for a communications service provider for routing, siting, installation, maintenance, or inspection of facilities used to provide communications services.

**Status:** The bill has not been presented to the Governor. If approved, the bill takes effect July 1, 2017.

## BILLS OF INTEREST THAT DID NOT PASS

### **HB 1055 by Representative Ingram; SB 1048 by Senator Lee – Linear Facilities**

The Florida Electrical Power Plant Siting Act (PPSA) and the Florida Electric Transmission Line Siting Act (TLSA) establish centrally coordinated review processes for state and local permitting of certain electrical power plants and transmission lines. Under the PPSA, an application for certification of a site for a power plant and associated facilities must include a statement on the consistency of the site, and any associated facilities that constitute “development,” with existing land use plans and zoning ordinances. Certain activities are excluded from the definition of development. Further, the PPSA and the TLSA authorize the establishment of conditions in an order granting certification, though both state that they do not affect in any way the ratemaking power of the FPSC.

The bill would have amended two of the items excluded from the definition of “development” in relation to the PPSA and the TLSA:

- The bill provides that the exclusion for work done on established rights-of-way applies to established rights-of-way and corridors and to rights-of-way and corridors to be established.
- The bill provides that the exclusion for the creation of specified types of property rights applies to creation of distribution and transmission corridors.

The bill proposed identical changes to the definition of development in the Florida Local Government Development Agreement Act.

The bill established the standard to be used in authorizing variances in a site certification under the PPSA and the TLSA. Further, the bill provided that the PPSA and the TLSA would not affect in any way the exclusive jurisdiction of the PSC to require transmission lines to be located underground.

Status: HB 1055 died in Commerce Committee, its third committee of reference. SB 1048 died in Messages.

### **CS/SB 1238 by Senator Bean – Utility Investments in Natural Gas Reserves; similar to CS/HB 1043 by Representative Brodeur**

CS/SB 1238 would have authorized the FPSC to approve cost recovery for prudently incurred natural gas reserve investments, including a rate of return and prudently incurred expenses associated with such investments, by a public utility through an adjustment clause. To qualify, the public utility must have at least 65 percent natural gas fueled generation.

The bill would have required that the standards for rulemaking include, at a minimum, the following:

- A requirement that each natural gas reserve investment be projected to generate savings for customers over the life of the investment.

- A requirement that the total volume of natural gas produced from all of a utility's natural gas reserve investments not exceed specified caps.
- A requirement that each investment have at least 50 percent of the wells within the project classified as proved gas reserves and the remaining wells classified as probable.
- A prohibition against recovery of the costs of fracking natural gas within the state.
- A prohibition against the recovery of the costs of extracting natural gas from state, U.S., or international waters.

Each public utility engaging in natural gas reserve investments would be required to file annually with the commission a detailed comparison of all gas reserve projects entered into on behalf of the utility and any affiliate or subsidiary of the utility's parent company.

A public utility may enter into a gas reserves project only if there is a transportation path available to deliver the gas produced from that project to the public utility's service territory. The costs of any new transportation needed to deliver gas from a gas reserve project must be taken into consideration when analyzing the economics of that project.

Status: HB 1043 passed one committee, but died in the Government Operations and Technology Appropriations Subcommittee. SB 1238 passed two committees, but died on the calendar of bills on third reading.

#### **HB 7071 by Energy and Utilities Subcommittee and Representative Peters – Utility Regulation**

This bill would have amended the processes related to selection of FPSC commissioners, consumer advocacy before the PSC, and utility ratemaking. In particular, the bill:

- Required that FPSC Commissioners be appointed to represent each of five regions in the state as defined by the boundaries of the five District Courts of Appeals and required that each Commissioner, at the time of appointment, reside in the district they are appointed to represent.
- Decreased term limits for FPSC Commissioners from a maximum of three 4-year terms to a maximum of two 4-year terms.
- Prohibited the appointment of state legislators to the FPSC within six years of leaving elected office, excepting individuals currently serving on the FPSC.
- Required the FPSC to conduct a customer service meeting, open to the public, at least annually in the service territory of each investor-owned electric utility.
- Transferred the Office of Public Counsel from the Legislature to the Attorney General's Office.
- Eliminated an exception from rulemaking for FPSC policies and practices related to cost recovery clauses, factors, and mechanisms.
- Required the FPSC, when setting rates for an investor-owned electric utility, to:
  - Establish utility-specific performance criteria for various aspects of utility operations, including system reliability, customer service, power plant performance, utility costs, employee and public safety, energy efficiency and conservation programs, implementation of distributed generation programs,

- efficient use of alternative energy resources, and any other areas identified by the PSC or elsewhere in chapter 366, F.S.
- Establish a mechanism to adjust a utility's maximum allowed rate of return on equity on an annual basis based on its performance in relation to the established criteria.
  - Develop a rate plan for the utility that has a minimum three-year term and includes the performance criteria and return adjustment mechanism established in the rate proceeding and may include provisions for rate adjustments during the term and provisions to address potential earnings surpluses or deficits during the term.
- Authorized the FPSC to establish financial incentives for investor-owned electric utilities to achieve excellent performance.
  - Specified that the FPSC may not approve a planned reserve margin of greater than 15 percent for an investor owned electric utility, absent a finding of extraordinary circumstances.

HB 7071 passed the House Energy and Utilities Subcommittee (as a proposed committee bill) and the Government Operations and Technology Appropriations subcommittee, but died in the House Commerce Committee. There was no Senate companion bill.

### **OTHER BILLS THAT DID NOT PASS**

- Representation by the Public Counsel – Bills filed by Senator Broxson and Representative Rommel would have authorized the Office of Public Counsel (OPC) to provide representation in proceedings of municipal and other local government water and wastewater utilities. The bills would have authorized OPC to represent ratepayers living outside the jurisdictional boundary of a local government in a proceeding in which rates are determined. SB 1146 passed two committees and died in the Senate Rules Committee. HB 977 died in the House Energy and Utilities Subcommittee, its first committee of reference.
- Nuclear cost recovery – Senator Rodriguez and Representative Diamond filed bills to repeal sections 366.93 and 366.95, Florida Statutes, relating to the Nuclear Cost Recovery Clause and the financing for nuclear facilities (securitization language enacted in 2016). SB 1100 and HB 977 did not receive a committee hearing and both bills died in their first committees of reference.
- Exemptions from definition of public utility - Senator Rodriguez and Representative Davis filed legislation to allow a property owner who owns and operates a renewable energy source device on his or her property with a capacity up to 2.5 megawatts as defined in section 193.624(1), Florida Statutes, from the definition of public utility. As a result, a property owner meeting these criteria would not be regulated by the FPSC. Although SB 456 was discussed and amended in its first committee, the bill was temporarily postponed and died in its first committee of reference. HB 1251 also died in its first committee of reference.

- Public electric utility rates – Senator Rodriguez introduced SB 976 to require that public utilities charge, for the first 500 kilowatt hours used by a residential customer, a rate that is 25 percent below the rate by the utility or 25 percent below the second tier of the progressive rate schedule for the customer (if applicable). SB 976 did not have a House companion bill and died in its first committee of reference.
- Decommissioning of wastewater treatment facilities – Representative Newton filed HB 1275 to prohibit the decommissioning of a wastewater treatment facility (whether public or private) until a replacement facility of equal or greater capacity is in service for a period of two years. HB 1275 did not have a Senate companion bill and died in its first committee of reference.
- Public meetings and public records – Senator Baxley and Representative Donalds introduced SB 1004 and HB 843, respectively, to exempt meetings, between two members of board or commissions (with at least five members), from public meetings requirements of section 286.011, Florida Statutes, and section 24(B), Article I of the State Constitution. The bills provided that these meetings could take place if no official actions are taken and official business involving a direct expenditure of public funds is not discussed. SB 1004 died in its first committee of reference. HB 843 passed three committees, but died when it failed to get the constitutionally required two-thirds approval on the House floor.
- Well stimulation and advanced well stimulation treatment – Several bills relating to well stimulation and hydraulic fracturing were introduced. Representatives Jenne and Miller introduced bills in the House to ban all stages of well intervention performed by injecting fluids into a rock formation. Senators Farmer and Young introduced similar bills in the Senate, and Senator Farmer also introduced a bill to put a constitutional amendment before the voters to prohibit extreme well stimulation in the state. Only SB 442 by Senator Young passed one committee and died in the Senate Appropriations Committee. All similar bills died in their first committee of reference.

cc: Braulio Baez  
Mark Futrell  
Apryl Lynn

## II. Outside Persons Who Wish to Address the Commission at Internal Affairs

Note: The records reflect that no outside persons addressed the Commission at this Internal Affairs meeting.

# III. Supplemental Materials for Internal Affairs

Note: The records reflect that there were no supplemental materials provided to the Commission during this Internal Affairs meeting.



# IV. Transcript

1                                   BEFORE THE  
2                                   FLORIDA PUBLIC SERVICE COMMISSION

3  
4       PROCEEDINGS:           INTERNAL AFFAIRS

5       COMMISSIONERS  
6       PARTICIPATING:       CHAIRMAN JULIE BROWN  
7                               COMMISSIONER ART GRAHAM  
8                               COMMISSIONER RONALD BRISÉ  
9                               COMMISSIONER JIMMY PATRONIS  
10                              COMMISSIONER DONALD J. POLMANN

11       DATE:                   Monday, June 5, 2017

12       TIME:                   Commenced at 2:45 p.m.  
13                               Concluded at 2:53 p.m.

14       PLACE:                  Betty Easley Conference Center  
15                               Room 148  
16                               4075 Esplanade Way  
17                               Tallahassee, Florida

18       REPORTED BY:           LINDA BOLES, CRR, RPR  
19                               Official FPSC Reporter  
20                               (850) 413-6734

## P R O C E E D I N G S

1  
2           **CHAIRMAN BROWN:** We are here today for our  
3 Internal Affairs meeting. It is Monday afternoon,  
4 June 5th. The time is 2:45. And we have probably a  
5 very abbreviated legislative affairs update. Hi.

6           **MS. PENNINGTON:** Yes, ma'am. Good afternoon.  
7           You received the draft summary document of  
8 legislation that we monitored during the session. The  
9 only thing I want to do today is to update a little bit  
10 of that information. Until all information is complete,  
11 we're not going to make this a final document.

12           But just if you start on page 1 and page 2,  
13 House Bill 181 was approved by the Governor on Friday,  
14 June 2nd.

15           Senate Bill 90 by Senator Brandes has -- went  
16 to the Governor as we walked down here today. Between  
17 the third floor and the first floor that bill went to  
18 the Governor.

19           On Page 5, Senate -- huh? -- 722, which is the  
20 public employee bill, that bill was presented to the  
21 Governor today as well. On the bills that went to the  
22 Governor today, he has until June 20th.

23           379, which is on page 5, that bill was sent to  
24 the Governor on May 30th. He has until the 14th.

25           And I think that's it on those -- on the

1 bills -- oh, no, there is one more. Senate -- House  
2 Bill 759, the Governor has until tomorrow to act on that  
3 bill. And by the time we get back upstairs, he may have  
4 done something with that bill.

5 There are 70 bills that have still not gone to  
6 the Governor, including the 24 that went down -- went to  
7 the Governor just a few minutes ago. He has signed 85.  
8 He's only vetoed one bill. He's vetoed part of the  
9 appropriations bill. As you know, we're going into  
10 special session on Wednesday called by the Governor. We  
11 do not foresee any impact to the Public Service  
12 Commission right now. The call is limited to FEFP  
13 funding and Visit Florida/Enterprise Florida.

14 **CHAIRMAN BROWN:** Thank you. What happened  
15 with the medical marijuana special session that was  
16 alluded to?

17 **MR. POTTS:** They are still working on trying  
18 to get to a place where they can add that to the call.  
19 So it's still available to add. They're just not going  
20 to add it until they have a deal in place.

21 **CHAIRMAN BROWN:** Waiting, waiting with baited  
22 breath. Interested in it.

23 Commissioners, any comments, questions?

24 **COMMISSIONER PATRONIS:** Why are you interested  
25 in it?

1           **CHAIRMAN BROWN:** I'm curious. Not because --  
2 I'm curious to see what happens in our state, not that  
3 it has anything to do with the Commission. So we shall  
4 move on from that discussion. We will --

5           (Laughter.)

6           **MS. PENNINGTON:** And Adam did suggest that  
7 we -- Adam suggested that we let you know the texting  
8 while driving bill did not pass.

9           **CHAIRMAN BROWN:** Oh, oh. Remember that one?

10          **COMMISSIONER PATRONIS:** I opposed it.

11          **CHAIRMAN BROWN:** We know. Yes.

12                 All right. Okay. We're going to move along  
13 here. Thank you.

14                 Commissioners, any comments or questions or  
15 bold statements to make?

16                 Thank you very much. Thank you for all that  
17 you do. I appreciate it.

18          **MS. PENNINGTON:** We'll make this final.

19          **CHAIRMAN BROWN:** Okay. Great. And continue  
20 to keep us informed, please. Thank you.

21                 Moving on, General Counsel, who has his  
22 beautiful daughter here with him today. Could you  
23 introduce her?

24          **MR. HETRICK:** Yes. Thank you, Madam Chairman.  
25 This is my daughter Joslyn Hetrick observing the

1 dedicated and great work at the Commission today. So,  
2 Joslyn.

3 **COMMISSIONER PATRONIS:** Welcome.

4 **MR. HETRICK:** She's going, "What am I doing  
5 here?"

6 **CHAIRMAN BROWN:** Joslyn is going to a summer  
7 camp for six weeks.

8 **MR. HETRICK:** Six weeks next week, and right  
9 now cheerleader camp and doing volleyball, so ...

10 **CHAIRMAN BROWN:** Nice to have you here.

11 **MR. HETRICK:** I'd just like to make one  
12 announcement, Chair, and that is the promotion of two  
13 individuals in my office. A well-deserved promotion for  
14 Suzanne Brownless to special counsel. It's been a long  
15 time coming. She's certainly earned it. She provides  
16 invaluable service in terms of overall counsel to  
17 supervisors, myself, Mary Anne, and we're very proud to  
18 have been able to do that.

19 The other one is Kandis May promoted from  
20 research assistant to senior research assistant. She'll  
21 be stepping into Shalonda's old spot. And as you saw  
22 her during both the Gulf rate case and the UIF case,  
23 both her background, experience, and how she has  
24 performed is well deserving of her promotion.

25 **CHAIRMAN BROWN:** Thank you. But Shalonda is

1 one of a kind. No one can duplicate her.

2 **MR. HETRICK:** Nope, she is one of a kind.

3 **CHAIRMAN BROWN:** Thank you.

4 Commissioners, questions or comments? None?

5 Thank you very much.

6 We're going to move on to our Executive  
7 Director's report.

8 **MR. BAEZ:** Thank you, Madam Chair. You had  
9 alluded earlier to the beginning of hurricane season,  
10 and like everyone else here at the Commission, we also  
11 engage in our own preparations. We have updated our  
12 continuity plan, and we had submitted it back in April  
13 to the Division of Emergency Management. The signage  
14 and the location of safe places in the building have  
15 also been revamped and, and updated. Floor wardens have  
16 been designated. Those are the staff that have CPR  
17 training and what not. And each division has tested  
18 their call trees used to disseminate information when a  
19 natural disaster hits our, our location.

20 So we're -- I'm happy to report that the  
21 Commission is ready for hurricane season. We've emptied  
22 out the whole Southwood Publix of all its peanut butter  
23 and saltines as well. See Apryl for your orders.

24 Dates to remember, the LBR, our new budget  
25 request is now due in September -- is in September

1 because of the early session. So we'll be bringing a  
2 legislative budget request to you most likely in August  
3 We're going to have to move a little faster this year  
4 because session begins in January.

5 This year's budget, the budget for '17/'18 was  
6 signed, as you heard, most of it anyway was signed last  
7 week. And we didn't have any issues that were involved  
8 in the vetoes or anything, so we're set to go into the  
9 new fiscal year.

10 Friendly reminders to all those who have to  
11 file financial disclosure forms, they are due to the  
12 Commission on Ethics by July 1st. That includes a lot  
13 of people in this room.

14 Upcoming SEARUC, June 11 to 14 in Lake Oconee,  
15 Georgia. July 16th to 19, NARUC in San Diego. Your  
16 next IA is July 13th following the Commission Agenda.  
17 And I'm told there's a special birthday coming up this  
18 weekend. I'm not going to say who. Y'all figure it  
19 out. June 11th, everybody. Just mark that down. I  
20 want to --

21 **CHAIRMAN BROWN:** Who is it? You?

22 **MR. BAEZ:** Is it June or July 11th?

23 **CHAIRMAN BROWN:** July 11, huh-uh.

24 **MR. BAEZ:** No?

25 **CHAIRMAN BROWN:** Huh-uh.



1           **MR. BAEZ:** All right. Then I have -- I don't  
2 have the best available information apparently. Well,  
3 then maybe they gave me the wrong date.

4           **CHAIRMAN BROWN:** Yeah, you're 12. He's June  
5 12th.

6           **MR. BAEZ:** Yeah. I didn't want to out him  
7 right here, but, you know, I just wanted to send you on  
8 your scavager hunt.

9           That's all we have. If you have any  
10 questions, I'm happy to answer them.

11           **CHAIRMAN BROWN:** Thank you.

12           Commissioners, any questions?

13           All right. Thank you, Braulio. Appreciate  
14 it.

15           Other matters. Any -- yes, Commissioner  
16 Patronis.

17           **COMMISSIONER PATRONIS:** I just want to thank  
18 the Commission for adjusting for my schedule for  
19 tomorrow's business.

20           **CHAIRMAN BROWN:** Thank you. Absolutely.  
21 You're working hard, and we appreciate the work that you  
22 do.

23           All right. I do want to recognize, though,  
24 our special "Employee of the Month." She's sitting  
25 right in front of me. Ms. Kelly Thompson. Kelly, can

1 you stand?

2 Kelly is our "Employee of the Month" for  
3 June 2017, and she's been with the Commission since  
4 March 2008. We work very closely, the Chairman's  
5 office, with the Office of Consumer Assistance and  
6 Outreach, and Kelly does such a great job.

7 I want to tell you some very interesting  
8 things about her because I learned this about her. She  
9 was born and raised in the Panhandle. She has two sons:  
10 One named Boomer, who played FSU baseball, and he's now  
11 in the minor leagues; and Drew, who lives in Central  
12 Florida.

13 And I just want to say it's always a pleasure  
14 talking with you, and I appreciate the work that you do  
15 and congratulations. Please join me in congratulating  
16 Kelly.

17 (Applause.)

18 Thank you.

19 And with that, are there any other matters?  
20 Seeing none, Internal Affairs is adjourned. Thank you.

21 (Internal Affairs adjourned at 2:53 p.m.)  
22  
23  
24  
25


1 STATE OF FLORIDA )  
 :  
2 COUNTY OF LEON ) CERTIFICATE OF REPORTER

3  
4 I, LINDA BOLES, CRR, RPR, Official Commission  
5 Reporter, do hereby certify that the foregoing  
6 proceeding was heard at the time and place herein  
7 stated.

8 IT IS FURTHER CERTIFIED that I  
9 stenographically reported the said proceedings; that the  
10 same has been transcribed under my direct supervision;  
11 and that this transcript constitutes a true  
12 transcription of my notes of said proceedings.

13 I FURTHER CERTIFY that I am not a relative,  
14 employee, attorney, or counsel of any of the parties,  
15 nor am I a relative or employee of any of the parties'  
16 attorney or counsel connected with the action, nor am I  
17 financially interested in the action.

18 DATED THIS 12th day of June, 2017.

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